

Message Text

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ACTION IO-13

INFO OCT-01 EUR-12 NEA-10 ISO-00 ACDA-07 ERDA-05 AF-08

ARA-06 CIAE-00 DODE-00 EA-07 PM-04 H-02 INR-07 L-03

NASA-01 NSAE-00 NSC-05 OIC-02 SP-02 PA-01 PRS-01

OES-06 SS-15 SAI-01 NSCE-00 SSO-00 USIE-00 INRE-00

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INFO AMEMBASSY MOSCOW

AMEMBASSY NEW DELHI

C O N F I D E N T I A L USUN 5295

E.O. 11652: GDS

TAGS: PARM, UNGA, US, UR, IN

SUBJECT: UNGA DISARMAMENT: INDIAN POSITION ON ENMOD RESOLUTION

1. INDIAN REP MISHRA NOV 12 INFORMED US AND SOVIET DELOFFS JOINTLY THAT HE HAD RECEIVED INSTRUCTIONS FROM DELHI CONCERNING INDIAN POSITION ON FINNISH DRAFT RESOLUTION CALLING FOR SIGNATURE AND RATIFICATION OF ENMOD CONVENTION NEGOTIATED BY CCD. MISHRA SAID INDIA COULD SUPPORT RES WITHOUT QUALIFICATIONS. FOR CO-SPONSORSHIP, HOWEVER, HIS "LEGAL AUTHORITIES" WOULD REQUIRE US AND USSR AGREEMENT TO ENDORSE IN FIRST COMMITTEE INDIAN INTERPRETATIVE STATEMENTS REGARDING ARTICLES I, III AND V OF CONVENTION, TO BE DELIVERED WHEN CO-SPONSORSHIP WAS ANNOUNCED.

2. INDIAN INTERPRETATIVE STATEMENTS WOULD BE AS FOLLOWS:

(A) IN ARTICLE I, "HOSTILE USE" WOULD BE UNDERSTOOD TO SIGNIFY "USE IN HOSTILITIES". (MISRRA EXPLAINED THAT THIS WAS INTENDED TO REMOVE AMBUIGUITY REGARDING INTENT WHICH WAS LATENT IN WORD "HOSTILE")

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(B) WITH REGARD TO THE CCD'S AGREED UNDERSTANDING

ON ARTICLE III, THE STATEMENT WOULD BE MADE THAT THE QUESTION WHETHER OR NOT A GIVEN PEACEFUL USE OF ENMOD TECHNIQUES WAS IN ACCORDANCE WITH INTERNATIONAL LAW WAS NOT SUBJECT TO CONSIDERATION UNDER ARTICLE V. (MISHRA RECALLED THAT IN CCD NEGOTIATIONS INDIA HAD SOUGHT TO HAVE THIS PROVISION INCLUDED IN ARTICLE III AND HAD BEEN DISSUADED BY US AND USSR ON GROUNDS THIS WOULD SIGNIFICANTLY AFFECT ACCEPTABILITY OF COMPROMISE TREATMENT OF PEACEFUL USES IN CONVENTION. NOW INDIA WANTED ASSURANCE FROM BOTH COUNTRIES, AS SECURITY COUNCIL PERMANENT MEMBERS, THAT IF A PARTY ATTEMPTED TO MAKE THIS QUESTION BASIS FOR COMPLAINT UNDER ARTICLE V, THEY WOULD REJECT COMPLAINT AS BEING WITHOUT VALID LEGAL BASIS. SUCH ASSURANCE WOULD BE PROVIDED IN FORM OF ENDORSEMENT OF INDIAN INTERPRETATION).

3. US AND SOVIET DELS SUBSEQUENTLY CONSULTED AND AGREED TO TRY TO PERSUADE MISHRA NOT TO INSIST ON THESE DEMANDS AS PRICE FOR CO-SPONSORSHIP. THEY SHARED VIEW THAT IN ANY CASE IT WOULD BE EXTREMELY INADVISABLE TO HAVE INDIANS MAKE INTERPRETATIVE STATEMENTS IN FIRST COMMITTEE. THESE WOULD RAISE SERIOUS HAZARD THAT OTHER DELS WOULD THEN FEEL IMPELLED TO STATE THEIR OWN INTERPRETATIONS AND DEMAND ENDORSEMENT, PERHAPS NOT ONLY BY US AND USSR BUT ALSO OTHER CCD MEMBERS SUPPORTING CNVENTION. THIS COULD RESULT IN CHAOTIC SITUATION AT MINIMUM MAGNIFYING DOUBTS REGARDING CONVENTION ON PART OF PRESENTLY UNDECIDED DELS. IN ANY CASE, BOTH US AND SOVIET DELS VIEWD INDIAN INTERPRETATION OF ARTICLE I AS FLATELY UNACCEPTABLE.

4. US AND SOVIET DELS THEN MET WITH MISHRA AND CONVEYED ABOVE VIEWS. RECALLING MISHRA'S MAJOR CONTRIBUTION TO SUCCESSFUL NEGOTIATION OF TREATY AT CCD SUMMER SESSION, THEY SAID THEY THOUGHT HE SHOULD SHARE OBJECTIVE OF MOVING TREATY AS QUICKLY AS POSSIBLE TO READINESS FOR SIGNATURE AND RATIFICATION, THROUGH UNGA ADOPTION OF FINNISH RESOLUTION. THIS PROCESS WOULD BE SUBSTANTIALLY AIDED BY INDIAN CO-SPONSORSHIP OF RES. ON OTHER HAND, WE THOUGH IT COULD BE SERIOUSLY IMPEDED IF CONFIDENTIAL

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NON-ALIGNED UNCERTAINTIES WERE ACCENTUATED BY DISPUTES OVER TREATY INTERPRETATION. THEREFORE, DELS APPEALED TO MISHRA TO WITHDRAW CONDITIONS FOR CO-SPONSORSHIP.

5. MISHRA DECLARED HIMSELF PERSUADED IN PART BY LEGAL AND TACTICAL CONSIDERATIONS THAT HAD BEEN RAISED, AND SAID HE THOUGHT HE COULD PERSUADE DELHI TO WITHDRAW DEMAND ON ARTICLE I. HE MAINTAINED, HOWEVER, THAT FOR CO-

SPONSORSHIP INDIAN LEGAL AUTHORITIES WOULD INSIST ON
EXPRESSION OF US AND SOVIET SUPPORT FOR INDIA'S
INTERPRETATION CONCERNING ARTICLES III AND V. IN LIGHT
OF TACTICAL CIRCUMSTANCES HE COULD AGREE TO GIVE STATE-
MENT AFTER PLENARY VOTE ON RES PROVIDED US AND USSR
WOULD AGREE TO MAKE ENDORSING INTERVENTIONS AT THAT
TIME.

6. USDELOFF SUGGESTED THAT THE THREE DELS CONSIDER
WHETHER INDIAN SUPPORT FOR FINNISH RES WITH NO INTER-
PRETATIVE STATEMENT MIGHT NOT BE PREFERABLE TO CO-
SPONSORSHIP ON CONDITION MISHRA HAD LAST STATED. DELS
AGREED TO THINK THIS QUESTION OVER (SOVIETS SAID THEIR
PRELIMINARY VIEW WAS THAT INDIAN CO-SPONSORSHIP WOULD
BE VERY VALUABLE) AND US AND SOVIETS UNDERTOOK TO
OBTAIN THEIR CAPITALS' VIEWS ON MODIFIED INDIAN CONDI-
TION FOR CO-SPONSORSHIP.

7. REQUEST DEPARTMENT'S REACTION TO ABOVE QUESTIONS
ASAP. MISHRA IS INSCRIBED TO SPEAK MORNING OF
NOV 17 AND PLANS TO STATE INDIAN POSITION ON FINNISH
RES AT THAT TIME. IMPACT OF INDIAN CO-SPONSORSHIP AS
OPPOSED TO MERE SUPPORT FOR FINNISH RES IS HARD TO
PREDICT AT THIS POINT. IT MIGHT INFLUENCE SOME NON-
ALIGNED DELEGATIONS TO BECOME CO-SPONSORS; IN PARTICULAR
IT COULD DETERMINE BRAZILIAN DECISION ON THIS QUESTION
(BRAZIL WILL, OF COURSE, SUPPORT RES IN ANY CASE).
ON OTHER HAND, NO SIGNIFICANT TREND TOWARD NON-
ALIGNED CO-SPONSORSHIP OF MEXICAN RES, APART FROM LATIN
AMERICANS, HAS MANIFESTED ITSELF SO FAR.
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